

Sn/N 10/531,055

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Apratim Purakayastha, et al.	Examiner:	Jeong S. Park
Serial No.:	10/531,055	Group Art Unit:	2454
Filed:	Apr 12, 2005	Docket No.:	DE920020021US1
Assignee:	International Business Machines Corporation		
Title:	USING PORTALS BY MOBILE DEVICES IN A DISCONNECTED MODE (As Amended)		

APPELLANT'S BRIEF ON APPEAL

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Commissioner for Patents
P.O. Box 1450
Washington, D.C. 2023 1

This brief is presented in support of the Notice of Appeal filed on Jan 26, 2009, from the final rejection of pending claims 18-22, 24, and 26-28 of the above-identified patent application. The Office Action from which Appellant appeals was mailed 24 October 2008. The panel decision from Pre-Appeal Brief review was mailed 8 April 2009.

Please charge any required additional fees or credit overpayment to Deposit Account No. 50-3998.

Appellant respectfully requests reversal of the Examiner's rejection of pending claims 18-22, 24, and 26-28.

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PATENT

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, International Business Machines Corporation.

2. RELATED APPEALS AND INTERFERENCES

Appellant knows of no other appeals or interferences which will have a bearing on the Board's decision in the present appeal.

3. STATUS OF THE CLAIMS

Claims 1-17, 23, and 25 have been cancelled. No Claims are allowed. Claims 18-22, 24, and 26-28 have been finally rejected. Claims 18-22, 24, and 26-28 are pending, and are the subject of the present appeal.

4. STATUS OF THE AMENDMENTS

Claims 18-22, 24, and 26-28 received a final rejection on 10/24/2008.

No further amendments were made.

A Notice of Appeal was filed on Jan 26, 2009.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal ...” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

Claim 18

Claim 18 is supported in Figures 3, 4, 6, 7, 9 and 12A – 12E, and in the specification *inter alia* at page 7 – 12. A system initiates a switch at the server side from a connected to a disconnected mode between a Portal Server and a Mobile Device. See Figures 11A – 11D and page 16, first full paragraph. Available disconnected Portlet applications to be replicated to said Mobile Device are selected. See Figure 2 and page 6. The system creates a Mobile Device specific content topology based on an existing user-defined connected content topology including said selected disconnected Portlet applications and dynamic information. See Figure 3, page 6. The dynamic information indicates at least one of about channel capabilities, capabilities of said Mobile Device, and location information of said Mobile Device. See page 8, second full paragraph. The existing user-defined connected content topology indicates server-side portal page layout of content provided by the Portal Server. See page 9. The system packages said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it and said data to be rendered by selected Portlet application.

See Figures 3 and 9, pages 6, 11, and 14. The Mobile Device specific content topology indicates layout of the selected disconnected Portlet applications when aggregated by the Mobile Device. See pages 9 and 10. The system transfers said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it, and said data to be rendered by said selected Portlet application to said Mobile Device. See Figures 10A – 10D, and pages 15.

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Are Claims 18-22, 24 and 2 -28 properly rejected under 35 U.S.C. 103(a) as being unpatentable over McLain (U.S. Patent No. 6,493,758 81) in view of Jolley et al. (hereinafter Jolley) (U.S. Patent No. 7,240,280)?

7. ARGUMENT

Claims 18-22, 24 and 2 -28 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over McLain (U.S. Patent No. 6,493,758 81) in view of Jolley et al. (hereinafter Jolley) (U.S. Patent No. 7,240,280).

Claims 18-22, 24 and 2 -28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLain (U.S. Patent No. 6,493,758 81) in view of Jolley et al. (hereinafter Jolley) (U.S. Patent No. 7,240,28082). The Examiner relies heavily on McClain to reject the claims, and relies on Jolley for disclosure of portlet applications. The Examiner takes portlet applications from Jolley, and rejects the claims by arguing that McClain's disclosure can operate with the

portlet applications from Jolley. The Examiner, however, misreads/contradicts McCain for most of the arguments and interpretations used for the rejections.

Claim 18 recites “creating a Mobile Device specific content topology based on an existing user-defined connected content topology including said selected disconnected Portlet applications and dynamic information.” For this quoted claim language, the Examiner refers to sections of McClain that disclose a computer downloading content from a service provider in accordance with user preferences, and creating a CDF. The Examiner interprets the user preferences and the CDF as “user-defined disconnected content topology.” *See* Final Office Action, page 3, last paragraph, line 8 to page 4, line 3. With this interpretation, the Examiner argues that McClain discloses creating a CDF based on 1) user preferences, 2) a CDF, and 3) mobile device characteristic information. This argument for the rejection fails because it contradicts the disclosure of McClain. The rejection requires a CDF to be created based on user preferences and a CDF. McClain does not disclose or suggest creating a CDF on either or both of user preferences and another CDF. McClain discloses downloading content from a content provider to a computer based on user preferences, which include a URL or pointer to content and indication of types of data to download from a content provider. *See* col. 7, lines 44-48 and col. 8, lines 17-36. Further, McClain states that the CDF is created based on content of the content provider structure of the website content provider, not on user preferences and another CDF. *See* col. 3, lines 34-38. With regard to the mobile device characteristic information, McClain discloses a computer obtaining, from a mobile device, characteristic information of the mobile

device before transferring content to the mobile device after a CDF has already been downloaded or generated. *See* col. 10, line 61 to col. 11, line 11. Obviously, the CDF cannot be created based on mobile device characteristic information obtained after the CDF is generated. The Examiner arguments and interpretations used for the rejection lack any support in McClain and contradict McClain. Neither of McClain or Jolly disclose or suggest the above quoted language.

Claim 18 also recites “packaging said Mobile Device specific content topology ...transferring said Mobile Device specific content topology ... to said Mobile Device.” In arguing that McClain disclose the quoted language, the Examiner recycles the same operation as previously used in McClain for the other limitation. The Examiner refers to a section of McClain that discloses downloading content to a mobile device and a section of McClain that discloses transferring filtered content to the mobile device. The transfer of filtered content at col. 11, lines 10-15 is an elaboration of the general statement made at col. 10, lines 61-65. McClain discloses downloading content and a CDF from a computer cache to a mobile device cache (col. 10, lines 61-63), and then states that the content data is filtered prior to the transfer/download (col. 11, lines 13-16). The Examiner, correctly, does not argue that filtering content data discloses or suggests packaging the Mobile Device specific content topology. The Examiner argues that the transfer/download of the content data and the CDF discloses packaging and then transferring of the Mobile Device Specific content topology, which it does not. If transferring the content and the CDF can be interpreted as transferring the Mobile Device specific content topology, it cannot also be interpreted as packaging. Neither the sections relied

upon by the Examiner nor the rest of McClain disclose or suggest both packing and transferring the Mobile Device specific content topology. Neither McClain nor Jolley disclose or suggest packaging the Mobile Device specific content topology.

8. CONCLUSION

It is respectfully submitted that the claimed invention is not unpatentable in view of the cited art. It is respectfully submitted that all pending claims should therefore be allowed. Reversal of the Examiner's rejections of claims 18-22, 24, and 26-28 is respectfully requested.

Respectfully submitted,

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CLAIMS APPENDIX: THE CLAIMS ON APPEAL

1. – 17. (Cancelled)

18. (Previously Presented) A method for creating a Mobile Device specific content topology at a Portal Server comprising:
- initiating a switch at the server side from a connected to a disconnected mode between said Portal Server and said Mobile Device,
- selecting available disconnected Portlet applications to be replicated to said Mobile Device,
- creating a Mobile Device specific content topology based on an existing user-defined connected content topology including said selected disconnected Portlet applications and dynamic information, wherein the dynamic information indicates at least one of about channel capabilities, capabilities of said Mobile Device , and location information of said Mobile Device, wherein the existing user-defined connected content topology indicates server-side portal page layout of content provided by the Portal Server;
- packaging said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it and said data to be rendered by selected Portlet application, wherein the Mobile Device specific content topology indicates layout of the selected disconnected Portlet applications when aggregated by the Mobile Device; and
- transferring said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it, and said data to be rendered by said selected Portlet application to said Mobile Device.

19. (Previously Presented) The method according to claim 18, wherein said disconnected mode is accomplished by a disconnection Portlet.
20. (Previously Presented) The method according to claim 19, wherein said disconnection Portlet is added by default to all Portal pages.
21. (Previously Presented) The method according to claim 20, said disconnection Portlet presents a graphical user interface allowing a user to select the Portlet application to be replicated at [[and]] the Mobile Device.
22. (Previously Presented) The method according to claim 18, wherein said selecting comprises:
determining the availability of Portlet applications indicated by the existing user-defined connected content topology for the Mobile Device when disconnected.
23. (Canceled)
24. The method according to claim 19, wherein each change of the data belonging to the Mobile Device specific content topology stored at the server side or at the Mobile Device side is synchronized during the connected mode.
25. (Canceled)
26. (Previously Presented) The method of claim 22, wherein said creating the Mobile Device specific content topology comprises omitting those of the Portlet applications determined to be unavailable for the Mobile Device when disconnected from the Mobile Device specific content topology:

27. (Previously Presented) The method of claim 22, wherein said creating the Mobile Device specific content topology comprises using static placeholders for those of the Portlet applications determined to be unavailable for the Mobile Device when disconnected from the Mobile Device specific content topology:
28. (Previously Presented) The method of claim 18, wherein the Mobile Device specific content topology comprises a tree structure representation, wherein each node of the tree structure representation indicates a layout element and each leaf of the tree structure representation indicates a Portlet.

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EVIDENCE APPENDIX

NONE

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RELATED PROCEEDINGS APPENDIX

NONE